

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

EDWARD ALLEN GARDNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CV416-138
	)	CV416-139
GREG PARKER et al.,	)	CV416-140
	)	CV416-141
Defendants.	)	

**REPORT AND RECOMMENDATION**

Proceeding *pro se*, Edward Gardner has filed four cases<sup>1</sup> against a gas station and three homeless shelters, alleging that each establishment violated the Americans with Disabilities Act (ADA) by denying him access because of his service dog. *See, e.g.*, CV416-138, doc. 1 at 5. He also sought leave to proceed *in forma pauperis* (IFP). *See, e.g.*, CV416-138, doc. 2. Each IFP motion contained deficiencies (they were completely blank), so the Court ordered Gardner to provide additional information and submit an amended motion no later than June 27, 2016. *See, e.g.*, CV416-138, doc. 3 at 3-4.

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<sup>1</sup> *Gardner v. Parker*, CV416-138; *Gardner v. Kelly*, CV416-139; *Gardner v. Pryor*, CV416-140; *Gardner v. Allison*, CV416-141.

He finally attempted to comply on July 6, 2016. *See, e.g.*, CV416-138, doc. 4; CV416-140, doc. 4. Even if timely (it wasn't), the attempts failed because Gardner did not to provide all the additional information the Court requested.<sup>2</sup> His amended motions reveal that he receives \$733/month in Supplemental Security Income payments (CV416-138, doc. 4 at 1), that he has \$47.81 in a bank account, does not own a car or other assets, and spent \$740.34 at Motel 6 from April 27, 2016 to July 1,

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<sup>2</sup> The Court required Gardner to answer seven questions:

- (1) What he spends each month for basic living expenses such as food, clothing, shelter, and utilities, and the dollar value of any public or private assistance he may receive;
- (2) Where he gets the money to pay for those expenses (include all "off-the-books" income, whether in cash or in-kind);
- (3) Whether he owns any means of transportation and, if he does not, whether he has regular access to same, as owned by another (including a rental company);
- (4) Whether he possesses a cellular telephone, TV set, and any home electronics equipment (include estimated value and related carrying expenses, such as carrier and subscription fees);
- (5) Whether he is the account owner, or has signature power, as to any accounts with a bank or other financial institution;
- (6) Whether he anticipates any future income within the next year;
- (7) A list of any other cases showing an indigency-based, filing fee reduction or waiver granted by any other court (include the full case name, case number and the name of the court granting same).

CV416-138, doc. 3 at 3-4.

2016. *Id.* at 2. It says nothing about what Gardner spends on food or the value of any public assistance (other than SSI) he receives (question one); any income sources beyond those listed on the pre-printed IFP form (question two); or any cases in which he previously received IFP status (question seven).

Having failed to follow the Court's Order despite warnings that doing so would result in a dismissal recommendation (*see, e.g.*, CV416-138, doc. 3 at 4), Gardner's Complaints (in CV416-138, CV416-139, CV416-140, and CV416-141) should be **DISMISSED WITHOUT PREJUDICE**. *See* L.R. 41(b); *see Betty K Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (district courts may *sua sponte* dismiss an action pursuant to Fed. R. Civ. P. 41(b) if the plaintiff fails to comply with court rules or a court order); *McKinley v. FDIC*, 2016 WL 930291 at \* 2 (11th Cir. Mar. 11, 2016) (affirming this Court's complaint dismissal for failure to comply with a court order after plaintiff failed to amend her complaint as directed).

**SO REPORTED AND RECOMMENDED**, this 7th day of July,  
2016.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA